

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

LEONID "LEO" RADVINSKY, an
individual, CYBERPOWER PTY, LTD., a
foreign corporation, CYBERTANIA, INC.,
an Illinois corporation, ACTIVSOFT, INC.,
an Illinois corporation, and JOHN DOES 1-
20,

Defendants.

No. C04-2033C

STIPULATION FOR ENTRY OF
PERMANENT INJUNCTION

Plaintiff Microsoft Corporation ("Microsoft") and defendants Leonid "Leo" Radvinsky ("Radvinsky"), Cybertania, Inc. ("Cybertania"), and Activsoft, Inc. ("Activsoft") (collectively "defendants") have entered into a binding Settlement Agreement resolving all claims arising out of the actions alleged in Microsoft's Complaint for Damages and Injunction in this matter. Microsoft and defendants hereby STIPULATE AND AGREE to the entry of an Order Granting the parties' Stipulated Permanent Injunction in favor of Microsoft against defendants in the form attached hereto as Exhibit A.


STIPULATION FOR ENTRY OF
PERMANENT INJUNCTION - 1
CASE NO. C04-2033C

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1
2 DATED this 13th day of April, 2005.

3
4 Preston Gates & Ellis LLP

5 By 

6 David A. Bateman, WSBA #14262

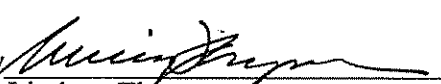
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10 Attorneys for Plaintiff
11 Microsoft Corporation

DATED this 8th day of April, 2005.

Thompson Gipe P.C.

By 

Lindsay Thompson, WSBA #15432

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Attorneys for Defendants
Leonid "Leo" Radvinsky
Cybertania, Inc.
Activsoft, Inc.

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STIPULATION FOR ENTRY OF
PERMANENT INJUNCTION - 2
CASE NO. C04-2033C

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

LEONID "LEO" RADVINSKY, an
individual, CYBERPOWER PTY, LTD., a
foreign corporation, CYBERTANIA, INC.,
an Illinois corporation, ACTIVSOFT, INC.,
an Illinois corporation, and JOHN DOES 1-
20,

Defendants.

No. C04-2033C

ORDER GRANTING PARTIES
STIPULATED PERMANENT
INJUNCTION

Plaintiff Microsoft Corporation ("Microsoft") and defendants Leonid "Leo" Radvinsky ("Radvinsky"), Cybertania, Inc. ("Cybertania"), and Activsoft, Inc. ("Activsoft") (collectively "defendants") have entered into a binding Settlement Agreement resolving all claims against defendants arising out of the actions alleged in Microsoft's Complaint for Damages and Injunction in this matter, and have stipulated to the entry of this Permanent Injunction in favor of Microsoft against defendants.

Based on the Stipulation of the parties, it is hereby ORDERED as follows:

ORDER GRANTING PARTIES' STIPULATED
PERMANENT INJUNCTION - 1
CASE NO. C04-2033C

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Exhibit A

PRESTON GATES & ELLIS LLP
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ORDER

1. Pursuant to Civil Rule 65(d), defendants, their agents, assignees, and successors-in-interest, and those in active concert or participation with them, are permanently enjoined from:

a. sending, transmitting, or advertising in, or directing, aiding, facilitating or conspiring with others to send, transmit, or advertise in, any commercial electronic communication of any kind that is in violation of Washington's Commercial Electronic Mail Act, Washington's Consumer Protection Act, or the federal CAN-SPAM Act; and

b. using, or directing, aiding, facilitating, causing, or conspiring with others to use the computers or computer networks of Microsoft's communication services, including but not limited to MSN Internet Access or MSN Hotmail, in violation of or inconsistent with MSN Terms of Use located at <http://privacy.msn.com/tou/>; and

c. obtaining, compiling, selling, trafficking in, or trading, or directing, aiding, or conspiring with others to obtain, compile, sell, traffic in, or trade e-mail addresses for the sending or delivery of any unsolicited bulk or unsolicited commercial electronic communications in violation of any state or federal anti-spam law; and

d. opening, creating or accessing, or directing, aiding, facilitating or conspiring with others to open, create, or access any Microsoft Communication Services accounts, including but not limited to MSN Internet Access or MSN Hotmail e-mail accounts, inconsistent with MSN Terms of Use located at <http://privacy.msn.com/tou/>; and

1 e. selling, offering for sale or distributing, or directing, aiding, or
2 conspiring with others to sell, offer for sale or distribute any software that allows the
3 user to send unsolicited bulk or unsolicited commercial electronic communications to
4 any MSN Communication Services, including MSN Internet Access or MSN Hotmail,
5 or any other Internet subscriber.

6 2. Defendants shall provide a copy of this Stipulated Permanent Injunction to
7 each affiliate and successor-in-interest, acting on his or its behalf in regard to any e-mail,
8 instant messaging, or internet marketing.

9
10 **ORDER GRANTED** this _____ day of _____, 2005.

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12
13 The Honorable John C. Coughenour
14 UNITED STATES DISTRICT JUDGE

15 Presented by:

16 PRESTON GATES & ELLIS LLP

17 By /s/ Robert J. Dzielak

18 David A. Bateman, WSBA # 14262

19 Robert J. Dzielak, WSBA #26178

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26 Attorneys for Petitioners

Microsoft Corporation

ORDER GRANTING PARTIES' STIPULATED
PERMANENT INJUNCTION - 3
CASE NO. C04-2033C

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